IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 27387 of 2006(I)

PETITIONER:

HUTCHISON ESSAR CELLULAR LIMITED,
XL-5115, ASHIS BUILDING, SHANMUGAM ROAD,
COCHIN-682 031, REP.BY ITS MANAGER LEGAL,
RAJESH MELETH VEETIL.

BY ADV.SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR

RESPONDENTS:
---

1. PATTIYAM GRAMA PANCHAYAT,
PATHAYAKKUNNU, KANNUR DISTRICT,
REPRESENTED BY ITS SECRETARY.

2. OMBUDSMAN FOR LOCAL SELF GOVT.
INSTITUTIONS, KUNNUKUZHI, VANCHIYOOR P.O.,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

3. SRI.KOWAL KRISHNAN, SHEENA NIVAS,
POOKODE P.O., KANNUR DISTRICT.

R1 BY ADV. SRI.M.A.NISSAR
R3 BY ADV.SRI.S.M.PREM
SMT.K.P.SANTHI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C)No.27387 of 2006

- -

Dated: 19th March, 2007

JUDGMENT

Ext.P4 is an interim order issued by the Ombudsman for Local Self Government Institutions restraining the writ petitioner-Company from proceeding with the construction for erection of mobile telephone tower-cum-base station. In the view which I have taken in W.P.C.No.21528 of 2006 and by the Division Bench of this court in **Reliance Infocom Ltd. v. Chemanchery Grama Panchayat** (2006 (4) KLT 695), Ext.P4 is only to be quashed. I quash Ext.P4 and direct the 1st respondent-Panchayat to take a decision on the licence application submitted by the petitioner uninfluenced by Ext.P4. Decision as directed above will be taken by the Panchayat at the earliest and at any rate within one month of receiving a copy of this judgment.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**